

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

STEVEN W. KRAFCHICK,

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Petitioner,

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Civil Action No. 07-284-GMS

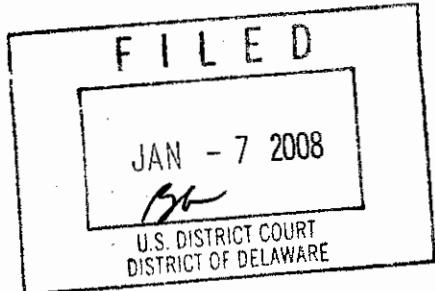
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ELIZABETH BURRIS, Action Warden,
and JOSEPH R. BIDEN, III, Attorney
General of the State of Delaware,

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Respondents.

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NOTICE OF DEFICIENT RECORD

Petitioner, Steven W. Krafchick, in (Pro-se) capacity moves this Honorable Court to request the Delaware Superior Court to file a complete and accurate record of the petitioner's first post-conviction motion. Accordingly to the filing of the records in the above action, the Superior Court has possibly failed to file the petitioner's (MEMORANDUM OF LAW IN SUPPORT OF RULE 61 MOTION FOR POST-CONVICTION RELIEF).

In the notice of filing State court records filed by the Defendant's it fails to record or present the petitioner's memorandum of law in support of rule 61 motion for post-conviction relief, this is pivotal to the petitioner's case. The Defendants by the way of the District Attorneys Office has insisted that the petitioner failed to follow certain state procedures and further states that certain claims were not presented in the proper state courts therefore barring Federal relief.

Under 1 b. Motion for Post-conviction Relief (Dkt Item 58) it fails to mention the petitioner's memorandum of law in support of rule 61 motion for post-conviction relief.

WHEREFORE, the petitioner in this case respectfully awaits this Courts response before filing any reply brief, to unsure that this Court has all the relevant motions before it.

Dated: January 3, 2008

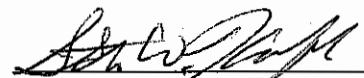


Steven W. Krafchick (Pro-se)
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

Cc. Clerk of Court (Peter T. Dalleo
District Attorney's Office
ELIZABETH BURRIS, Action Warden,
and JOSEPH R. BIDEN, III, Attorney
General of the State of Delaware.
File

Declaration of Documents

I, Steven W. Krafchick, hereby declare that if this Court needs a copy (ies) of the afore mention documents that were not filed with the District Court, the petitioner will supply the documents in order that the Court has the complete record of the lower court proceedings.



Steven W. Krafchick (Pro-se)
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

Certificate of Service

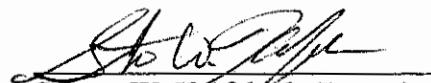
I, Steven W. Krafchick, hereby certify that I have served a true and correct copy (ies) of the attached Notice of Deficiency upon the following parties/person:

To: Office of the Clerk
United States District Court
844 N. King Street, Lockbox 18
Wilmington, DE 19801-3570

To: Elizabeth R. McFarlan
Deputy Attorney General
820 N. French Street
Wilmington, DE 19801
Del. Bar. ID No. 3759

BY PLACING SAME IN SEALED ENVELOPE, and depositing same in the United States Mail located at Delaware Correctional Center, 1181 Paddock Road, Smyrna, DE 19977

On this 3rd day of the month January, 2008



Steven W. Krafchick (Pro-se)
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

IM Steven W. Krasnick
SBI# 178856 UNIT V-Bldg
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977

WILMINGTON DE 197



04 JAN 2008 PM 3 L

Office of the Clerk (Attn: Peter T. Dalec)
United States District Court
884 N. King Street, Postbox 18
Wilmington, Delaware
19801-3570

15801-3570

Legal Mail
(07-284-5MS)